

REMARKS

Applicants have carefully reviewed the Office Action dated March 8, 2002, and respectfully request reconsideration in view of the foregoing amendments and the following remarks.

The Examiner contends that the title not descriptive of the invention. Applicants submit that the amendment to the title overcomes this objection. Reconsideration is respectfully requested.

The Examiner objects to the specification as failing to provide antecedent basis for the claimed subject matter, specifically Claim 20. Applicants submit that the amendment to Claim 20 overcomes that objection. Reconsideration is respectfully requested.

Claims 20-34 have been rejected under 35 U.S.C. 112, first paragraph, as containing subject matter not described in the specification in a way to convince the artisan that Applicants had possession of the invention on the filing day.

A. The Examiner contends that in Claims 21 and 25 the term "quotient of density and bulk density" is new matter. Applicants submit that the amendments to Claim 21 and 25 to refer to "pycnometric" density overcome this rejection.

B. The Examiner contends that in Claims 22 and 30 the term "based on the weight of the pellets" is new matter. Applicants submit that this phrase is implicitly supported by the specification because a skilled artisan would understand that the weight of the binders and/or dispersants is based on the weight of the pellets. Further, it seems that there is no other meaningful way to calculate the weight % in this case.

C. The Examiner contends that in Claim 34 the term "to the wax, polyether, polyolefin or polyvinyl alcohol" is new matter. Applicants respectfully traverse and submit that the specification supports that term on page 4, lines 19-23, as well as original Claim 12.

In view of the preceding amendments and remarks, Applicants submit that the claims are in compliance with 35 USC 112, first paragraph. Accordingly, withdrawal of this rejection is requested.

Claims 20-34 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

A. The Examiner contends that in Claim 20 the term "having a relative color intensity" is indefinite as to what the color intensity is relative to. Applicants submit that the artisan would have recognized that the pellet have a higher color intensity than the powder from which the pellet was prepared regardless of what the pellet is ultimately used in.

B. The Examiner contends that in Claim 20 the term "based on the uncompacted powder" is indefinite as to the nature of the uncompacted powder. Applicants submit that the amendment to Claim 20 to indicate that the uncompacted powder is uncompacted "carbon black" powder overcomes this rejection.

C. The Examiner contends that in Claim 20 the term "the uncompacted powder" has no antecedent basis in the claim. Applicants submit that the amendment to Claim 20 to indicate that the compacted carbon black powder is prepared from uncompacted carbon black powder overcomes this rejection.

D. The Examiner contends that in Claim 20 the term "having a color intensity ... of greater than 100 %", is indefinite, because the maximum intensity possible would be 100 %. Applicants respectfully submit that the term has to be read "having a color intensity ... of greater than 100 %, based on the uncompacted carbon black powder". The skilled artisan would immediately understand the intensity of the uncompacted powder is 100 % and that the compacted pellet has an intensity greater than that of the powder.

E. The Examiner contends that in Claims 21 and 25 the quotient of density and bulk density would be indefinite, because it was not clear, if the recited values "are for each of the "quotient of density" and "bulk density" or for their combination". Applicants submit that a skilled artisan would understands that the quotient, and thereby the range, is defined as the relation between pyconometric density and bulk density, which is an indicator of compaction.

F. The Examiner contends that in Claim 25 "it" is indefinite. Applicants submit that the amendment to Claim 25 to replace "it" with "the compacted carbon black" overcomes this rejection.

G. The Examiner contends that in Claim 27 the term "each compaction stage" lacks proper antecedent basis in the claims. Applicants submit that this rejection has been overcome by deleting the rejected phrase.

H. The Examiner contends that in Claim 33 the term "thin layer" is indefinite. Applicants submit that this rejection has been overcome by deleting the rejected phrase.

In view of the preceding amendments and remarks, Applicants submit that the claims are in compliance with 35 USC 112, second paragraph. Accordingly, withdrawal of this rejection is requested.

Claims 20-34 have been rejected under 35 USC 103(a) as being unpatentable over Linde, US 5,797,988, or the European counterpart, EP 802,241. The Examiner contends that Linde discloses the instantly claimed process and the briquette taught by Linde is the same as the instantly claimed pellet.

Applicants respectfully traverse and submit that Linde was mentioned in the specification to disclose briquettes that have a lower density than the powder they were prepared from. Note Table 1. Therefore, the briquettes taught by Linde do not satisfy the requirements of the subject claims. Accordingly, withdrawal of this rejection is respectfully requested.

The foregoing is believed to be a complete response to the Office Action dated March 8, 2002, and in view of the preceding amendments and remarks, a Notice of Allowance is respectfully requested.

Respectfully submitted,

By Thomas W. Roy
Thomas W. Roy
Attorney for Applicants
Reg. No. 29,582

Bayer Corporation
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
PHONE: (412) 777-8345
FACSIMILE PHONE NUMBER:
412-777-8363
s/rmc/twr0025

MARKED-UP VERSION TO SHOW CHANGES

IN THE TITLE:

The Title has been deleted and replaced with the following new Title.

--COMPACTED CARBON BLACK PELLETS--

IN THE SPECIFICATION:

At page 3, line 8, the following paragraph has been added:

--The present invention also related to compacted carbon black pellets having a relative color intensity, based on the uncompacted carbon black powder, of greater than 100%.--

IN THE CLAIMS:

The claims have been amended as follows:

20. (Amended) Compacted carbon black pellets, prepared from uncompacted carbon black powder, having a relative color intensity, based on the uncompacted carbon black powder, of greater than 100%.

21. (Amended) The pellets of Claim 20 wherein the pellets have an average particle size of 0.3 to 2 mm and a quotient of pyconometric density and bulk density between 3.0 and 10.

25. (Amended) A process for the production of carbon black pellets which comprises compacting carbon black in the presence of an auxiliary substance and comminuting[it] the compacted carbon black to pellets having an average particle size of 0.3 to 2 mm and a quotient of pyconometric density and bulk density between 3.0 and 10.

27. The process of Claim 25 comprising performing the compaction two or more times [at] with different compressive forces [in each compaction stage].

33. The process of Claim 25 comprising coating the resulting pellets with[a thin layer of] wax, polyether, polyolefin or polyvinyl alcohol.